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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 January 2000]

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1. The Commission of Churches on International Affairs of the World Council of Churches appreciates the work undertaken by this Commission towards elimination of racism, racial discrimination, xenophobia and all forms of discrimination. Over the years the World Council of Churches through its programmes and policies has consistently worked towards removal of inequalities and discriminatory policies and in this way has contributed to the strengthening of the United Nations in its endeavours to ensure justice and equity for all people as they enter the new millennium. In relation to one such programme, the Commission of Churches on International Affairs cooperates with the Dalit Liberation Education Trust, in Chennai, India, that works for upliftment of Dalits.

2. The United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his last report (E/CN.4/1999/15 and Add.1) raised the issue of untouchables in India and expressed hope that he might visit the country soon to study the situation. The Special Rapporteur on religious intolerance while on a visit to India was aware of the issue of Dalits and Dalit Christians and raised it with the authorities, including the Secretary of the Ministry of Law of the Government of India, who acknowledged the "loss of privileges" of Dalit Christians (E/CN.4/1997/Add.1, para. 61). The Special Rapporteur was told at that time that a proposal to address the demands of Dalit Christians was before the Parliament. It is regretted that the Government of India has yet to introduce the proposed legislation. The World Council of Churches appreciates that due notice has been taken of this inhuman and degrading system and practice by the Special Rapporteurs.

3. Over 200 million Dalits in India have been subjected to discrimination, discriminatory practices and violence not only because of socio-economic factors but also as a result of religious intolerance. The Dalits, who are mostly landless agricultural labourers, live in abject poverty and suffer oppression and discrimination at the hands of rich and powerful landlords. Denied the right to development they are constrained to live in segregated quarters in inhuman conditions. In the words of their great leader Dr. B.R. Ambedkar, they live and survive in "dehumanizing conditions".

4. For the last 2,000 years the Dalits have continued to suffer humiliation and ill-treatment despite the fact India is the world's largest democracy with a progressive, secular and liberal constitution. At present 20 million Dalit children from socially oppressed and economically poor families work in hazardous industries; some work as bonded labourers, some are sexually abused and exploited. Denied the right to human development and socially excluded, the Dalits have little or no opportunity to provide an adequate and decent education for their children.

5. The living conditions of the Dalits have been aptly described by the former Chairman of the National Commission for Scheduled Castes and Scheduled Tribes, Mr. H. Hanumanthappa, in the following terms:

> "The Dalits are in different stages of socio-economic development and are engaged in divergent forms of work for their living. The practice of such traditional unclean occupations as scavenging, carrying night soil, removing dead animals, leather work, beating of drums, etc. gave them a low position in the traditional caste hierarchy and they are viewed as occupying the lowest rung of the social ladder. The vast majority of Dalits are landless and work as agricultural labourers and wage earners to eke out their

livelihood. Dependence on upper-class land owners for agricultural labour and perpetual subjugation force many of them to live as bonded labourers. On the educational front the scheduled castes lag far behind the general population of India. The general literacy rate in 1991 was 52.19 per cent, while the literacy among the scheduled castes was only 37.41 per cent. The condition of the Dalit women is particularly deplorable. They are doubly underprivileged being women belonging to a scheduled caste. They constitute the major work force doing hard manual labour and engage in agricultural operations and their exposure to outdoor work and interaction with cunning employers make them vulnerable to sexual exploitation. Abject poverty forces Dalit women to become Devadasi, the prevalent institutionalized prostitution system."

6. The recently released annual report of the National Human Rights Commission (NHRC) also draws attention to the sufferings and humiliation of the Dalits. It makes the following observations with regard to the degrading treatment meted out to them:

> "The Commission considers it deeply offensive to human dignity that the degrading practice requiring the manual handling of night soil is still allowed to continue in our country, 50 years after independence. Despite the launching of a nationwide scheme in March 1992 to free those engaged in such work, and to rehabilitate them in other occupations, implementation has remained dismal."

Though the scheme was approved in 1993, there has been for all practical purposes little or no follow-up action by the authorities concerned. NHRC rightly points out that when it comes to weaker sections of society there is a tendency to relapse into inaction, be it because of undertaking mega-projects, or as a result of economic policies that have the effect of marginalizing the most vulnerable sections of society.

7. In August 1996, NHRC, in cooperation with the Dalit Liberation Education Trust, sponsored a workshop on the situation of Scheduled Castes and Scheduled Tribes. The workshop in its report observed that despite the existence of the Protection of Civil Rights Act, 1976 violations of the human rights of Dalits have increased. The implementation of the provisions of the Act has left much to be desired; investigations of atrocities against Dalits have often found to be inadequate or biased. The rate of conviction of perpetrators is low and there is a need to plug the loophole in the law that allows the situation to continue. The frequency of atrocities resulting from disputes over land has increased and there is a need to implement land reforms diligently. The workshop called for greater sensitization of government agencies like the judiciary and law enforcement to make them more aware of the special problems posed in protecting the rights of Dalits.

8. In recent years, atrocities and violence against the Dalits have increased enormously. Attention to this problem has also been drawn by reputed periodicals and journals both inside as well as outside the country. The 20 October 1997 issue of Time magazine carried a cover story on the increase of violence against Dalits. This situation was also highlighted in an article that appeared in the 11 August 1997 issue of the daily Hindu. The article was written by a well-known Indian journalist, Prem Shankar Jha. In 1995 the number of reported cases of atrocities committed against the scheduled castes in the country was 35,262. These included 688 cases of murder, 2,156 cases of grievous hurt, 1,143 cases of rape and 729 cases of arson. The

maximum number of 14,966 cases of atrocities was reported from the Uttar Pradesh followed by Rajasthan (5,204 cases) and Madhya Pradesh (4,387 cases). Together these states accounted for 69 per cent of the total reported cases of atrocities in the country against the Dalits. According to the Dalit Liberation Education Trust "Every hour two Dalits are assaulted, every day three Dalit women are raped, two Dalits are murdered and two Dalit houses burnt". It is the responsibility of the Government of India to ensure that state governments respect human rights and stop repression of the Dalits by the state police.

9. The present deplorable situation of the Dalits cannot be allowed to continue as the international community enters the new millennium. The Dalits are entitled to protection and equal treatment before the law. Article 27 of the International Covenant on Civil and Political Rights states "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language". The Dalit Christians in India are being denied equal rights and opportunities because of the discriminatory practices and policies of the Government of India.

10. The Commission of Churches on International Affairs calls on the Commission on Human Rights to request the Special Rapporteur to undertake a study of the discrimination and discriminatory practices and policies based on untouchability and the caste system as a contemporary form of slavery in the South Asian region.